

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CHRISTOPHER LAMONT BRADSHAW, Defendant.	3:17-CR-30101-02-RAL ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION TO SUPPRESS
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The government charged Christopher Lamont Bradshaw (Bradshaw) with conspiracy to distribute a controlled substance, possession with intent to distribute a controlled substance, and distribution of a controlled substance. Doc. 1. Bradshaw moved to suppress from use at trial all “evidence seized during the execution of the warrant signed by Rosebud Sioux Tribal Judge on April 27, 2017.” Doc. 96. Magistrate Judge Mark A. Moreno held an evidentiary hearing during which he heard testimony from three Rosebud Sioux Tribe Law Enforcement Officers and received twenty-two exhibits into evidence. Docs. 108, 113. On September 6, 2018, Judge Moreno issued a Report and Recommendation recommending denial of Bradshaw’s motion. Doc. 113.

This Court reviews a report and recommendation pursuant to the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in relevant part that “[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” However, “[i]n the absence of an objection, the district court is not required ‘to give any more consideration to the magistrate’s report than the

court considers appropriate.”” United States v. Murrillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Here, the parties agreed to have three calendar days after service of the Report and Recommendation to file their objections. Neither party has objected to the Report and Recommendation and the three days for doing so have passed. Accordingly, this Court has reviewed the Report and Recommendation under a clearly erroneous standard of review. See Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam) (explaining that when no objections are filed and the time for filing objections has expired, the district court “would only have to review the findings of the magistrate judge for clear error”). Finding no clear error, this Court adopts the Report and Recommendation.

For the foregoing reasons, it is hereby

ORDERED that the Report and Recommendation, Doc. 113, is adopted. It is further

ORDERED that Bradshaw’s Motion to Suppress, Doc. 96, is denied.

DATED this 11th day of September, 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE